

State of California
Commission on the Status of
Women



Summary of 2009
Laws Affecting Women

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Introduction

As in recent years, the 2009 legislative session was overshadowed by California's dire economic situation. The State's budget deficit increased and fiscal concerns meant that most proposals with potential State costs died in fiscal committees. The State is continuing to experience the effects of a severe economic downturn that will consume much of the Legislature's attention and affect policy decisions in the coming year. As we approach the 2010 legislative session, the impact of potential budget cuts on programs and services for women and their families will remain a priority for the Commission.

Our 2009 legislative agenda included more than 80 bills and resolutions. Of that number, we supported 79 measures and opposed 4. The Legislature sent 30 of our priority support bills to the Governor. He signed 11 of those into law and vetoed 19. The Legislature also approved 6 of our priority resolutions (the Governor does not take action on these measures). Measures opposed by the Commission would have negatively impacted victims of domestic violence and access to public assistance under CalWORKs. None of these measures reached the Governor's desk. Important measures signed by the Governor address gender discrimination in pricing of health insurance premiums and the legal status of same-sex marriages conducted outside California.

During 2009, the Commission monitored more than 350 bills for potential impact on California women and their families. This "Summary" highlights those bills that were passed by the Legislature and enacted into law. Most of these laws became effective on January 1, 2010. If indicated as an "urgency" measure, the bill generally becomes effective immediately upon the Governor's signature. Resolutions, which do not have the force of law, are assigned a chapter number by the Secretary of State when passed by the Legislature, but do not require the Governor's signature. The Commission's priority bills are noted by an *asterisk.

Bill histories, committee analyses and voting records on any of these measures can be obtained by visiting www.leginfo.ca.gov. For more information on the Commission, including bills the Commission is currently tracking, contact us at 916-445-3173, or visit our website at www.women.ca.gov.

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Child Care

AB 1368 Adams
Family child care homes; safety

Chapter 528

Requires small family child care homes to have at least one staff member present who has completed a course in pediatric first aid and pediatric CPR.

SB 702 DeSaulnier
Temporary care: Trustline clearance

Chapter 199

Requires a business that provides temporary care for children whose parents are shopping at the business to obtain a Trustline clearance for any person who supervises children.

Civil Rights

AB 412 Carter
Hate crimes; nooses

Chapter 106

Makes it a misdemeanor crime to hang a noose in order to terrorize a person who is associated with the property where the noose is hung.

*** SB 54** Leno
Same-sex marriage; out-of-state unions

Chapter 625

Clarifies the legal status of same-sex couples in California who were married outside the state.

SB 572 Leno
Harvey Milk Day: official designation

Chapter 626

Designates May 22 of each year as Harvey Milk Day, and calls for the day to be observed by the public schools as a day of special significance. The bill also requires the Governor to annually proclaim May 22 as Harvey Milk Day.

Economic Security

AB 123 Portantino
Low-income housing; licensing

Chapter 82

Exempts residential facilities covered by the Low Income Housing Tax Credit and Section 8 subsidized housing from Department of Social Services licensing when they are occupied by elderly or disabled persons as long as the operator of the housing does not directly provide or contract for supportive services.

AB 329 Feuer
Reverse mortgages; consumer protection

Chapter 236

Strengthens existing counseling and cross-selling provisions of reverse mortgage law and requires lenders to provide borrowers with a checklist that highlights the risks of and alternatives to reverse mortgages.

AB 719 Lowenthal
Foster youth; food stamps

Chapter 371

Creates the Transitional Food Stamps for Foster Youth Demonstration Project, which allows emancipated foster youth who are not eligible for CalWORKs or Supplemental Security Income benefits to be eligible for food stamp benefits regardless of their income or resources.

AB 720 Caballero
Affordable housing; local government assistance

Chapter 467

Expands the time period for a local government to enter into a legally enforceable agreement to provide the assistance necessary to make rehabilitated housing units affordable.

*** ACR 38** Duvall
Financial Aid and Literacy Month

Resolution Chapter 25

Declares the month of April 2009 as Financial Aid and Literacy Month in order to raise public awareness about the need for increased financial literacy.

*** AJR 6** Beall
Elder Economic Security Standard Index

Resolution Chapter 92

Memorializes the President and Congress to ensure economic security for all elders and to use the Elder Economic Security Standard Index to modernize all federal poverty measures and guidelines impacting elders.

Employment

*** AB 854** Arambula
License and registration; unpaid wages

Chapter 256

Requires farm labor contractors and garment manufacturers applying for or renewing licenses or registrations to submit a statement as to whether the applicant has satisfied all requirements imposed by final judgments or orders involving unpaid wages.

Family Law

AB 131 Evans

Chapter 413

Juvenile dependency proceedings; appointed counsel

Requires Judicial Council to establish a cost-recovery program to collect reimbursements from parents for court-appointed counsel in juvenile dependency cases.

AB 459 Lowenthal

Chapter 110

Marriage dissolution; financial disclosure

Allows a party to a marital dissolution proceeding to waive receipt of financial disclosure declarations by the other party so the proceedings may move forward without the noncomplying party's disclosure.

AB 590 Feuer

Chapter 457

Legal aid; appointed counsel

Enacts the Sargent Shriver Civil Counsel Act allowing legal counsel to be appointed to represent low-income parties in civil matters involving critical issues affecting basic human needs in specified courts, and prohibits the use of the term legal aid by an entity unless the entity is a nonprofit organization that provides civil legal services to the poor without charge.

*** AB 770** Torres

Chapter 124

Foster care; Indian tribes

Declares that it is the policy of the state to maximize the opportunities for Indian tribes to operate foster care programs for Indian children pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

AB 938 Committee on Judiciary

Chapter 261

Foster care; relatives

Requires social workers to identify and locate the relatives of children in foster care, and provides a process for relatives to provide information to social workers and courts about the children's needs.

AB 941 Committee on Judiciary

Chapter 492

Adoption; procedural requirements

Clarifies several adoption requirements, including the right of a parent to waive the right to revoke consent to an independent adoption of his or her child.

AB 1143 Ma

Chapter 512

Marriage; name change

Clarifies that prospective spouses who want to change or combine their middle and last names may still retain their original middle name.

AB 1325 Cook
Adoption; Indian children

Chapter 287

Provides an alternative to traditional adoption for Indian children in the child welfare system by adding the option of a tribal customary adoption which allows a child to be adopted without first terminating the birth parents' rights.

SB 597 Liu
Foster care; staffing and payment rates

Chapter 339

Conforms state law to the federal Fostering Connections Act of 2008 and modifies foster family agency staffing ratios and foster care group home payment rates and levels.

Health

*** AB 119** Jones
Health insurance policy premiums; gender discrimination

Chapter 365

Prohibits gender discrimination in pricing of health insurance policy premiums.

AB 1045 Perez
HIV and AIDS; reporting of lab test results

Chapter 501

Permits clinical laboratories to not report CD4+T-cell test results to the local health officer if the laboratory can demonstrate that the DC4+T-cell test result is not related to a diagnosed case of HIV infection.

AB 1116 Carter
Cosmetic surgery; Donda West Law

Chapter 509

Enacts the Donda West Law, which prohibits elective cosmetic surgery on a patient unless the patient has received a physical examination and clearance for surgery.

AB 1142 Price
Medi-Cal; hospital patients

Chapter 511

Protects Medi-Cal beneficiaries from being billed for services covered by Medi-Cal by requiring hospitals to provide information regarding a patient's Medi-Cal eligibility to all hospital-based health care providers and allowing a penalty to be assessed against a provider who seeks payment from a patient despite having proof of the patient's Medi-Cal eligibility.

AB 1269 Brownley
Medi-Cal; eligibility expansion

Chapter 282

Expands eligibility for the Medi-Cal California Working Disabled Program to enrolled participants who are temporarily unemployed and exempts Social Security Income in eligibility calculations for disabled individuals over 65 years of age.

AB 1541 Committee on Health
Group health plan; enrollment time period

Chapter 542

Extends the time period (from 30-60 days) for a person who has lost or will lose coverage under the Healthy Families Program, Access for Infants and Mothers, or Medi-Cal to request enrollment in a group health plan without being considered a late enrollee.

*** ACR 17** Saldaña
American Heart Month and Wear Red Day

Resolution Chapter 14

Recognizes the month of February 2009 as American Heart Month in California, recognizes February 6, 2009 as Wear Red Day in California, and urges public support for Go Red for Women events to promote awareness of heart disease in women.

*** ACR 28** Ma
Eating Disorders Awareness Week

Resolution Chapter 63

Recognizes the weeks of February 22 through February 28, 2009, and February 21 through February 27, 2010, as Eating Disorders Awareness Week.

*** ACR 29** Jones
Racial and ethnic populations; health disparities

Resolution Chapter 93

Requests the California Health and Human Services Agency to encourage departments within the agency to focus on preventing, reducing, and eliminating health disparities among racial and ethnic population subgroups.

ACR 72 Huffman
Pain Awareness Month

Resolution Chapter 81

Recognizes September 2009 as Pain Awareness Month and calls upon Californians to observe that month by learning how to improve the quality of life of those suffering from pain.

AJR 9 Perez
HIV/AIDS; Ryan White Act

Resolution Chapter 57

Urges the United States Congress and President to enact legislation to extend to September 30, 2012, the sunset date of the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Ryan White Act) to protect funding for California and preserve existing systems of treatment, care and other vital services for people living with HIV/AIDS.

AJR 17 Swanson
HIV/AIDS; health disparities

Resolution Chapter 104

Urges the President of the United States, the United States Congress, and the United States Secretary of Health and Human Services to take specified actions in regard to health disparities among racial and ethnic minority populations as they relate to HIV/AIDS funding.

SB 471 Romero
California Stem Cell and Biotechnology Education and Workforce Development Act of 2009

Chapter 185

Creates the California Stem Cell and Biotechnology Education and Workforce Development Act of 2009 to establish stem cell and biotechnology education and workforce development as a state priority and to promote stronger links among industry sectors, the California Institute for Regenerative Medicine, and California public schools.

SBX3 24 Alquist
Medi-Cal eligibility; federal stimulus funds

Chapter 24

Temporarily reinstates 12-month continuous Medi-Cal eligibility for children in order for California to qualify for approximately \$10 billion in federal stimulus funds provided through a temporary increase in the Federal Medical Assistance Percentage.

SCR 36
Adolescent health; state programs

Resolution Chapter 24

Commends the California Departments of Public Health, Education, and Health Care Services for their "well adolescent" programs and initiatives, and encourages all Californians to recognize and support the efforts of these departments to improve adolescent health.

SCR 55 Wolk
Health Care Decisions Week

Resolution Chapter 122

Recognizes the week of October 25 through October 31, 2009 as Health Care Decisions Week and encourages all Californians to think about and talk with loved ones about their wishes for medical care should they become seriously ill or incapacitated.

Long-Term Care and Aging

AB 215 Feuer

Chapter 420

Skilled nursing facilities; star ratings

Requires skilled nursing facilities to post the overall facility star rating determined by the federal Centers for Medicare and Medicaid Services.

AB 392 Feuer

Chapter 102

Long-term care facilities; ombudsman programs

Appropriates \$1.6 million from the Federal Health Facilities Citation Penalties Account to the Department of Aging for local ombudsman programs for investigation of complaints regarding long-term health care facilities.

AB 762 Lowenthal

Chapter 471

Residential care facilities; fire safety standards

Clarifies the appropriate fire safety standards for bed-ridden or nonambulatory individuals in residential care facilities.

SB 91 Correa

Chapter 29

California Fund for Senior Citizens; income tax check-off

Extends the California Fund for Senior Citizens voluntary contribution/check-off designation on the state personal income tax return form to January 1, 2015.

Reproductive Health

*** AB 359** Nava

Chapter 435

Every Woman Counts program; digital mammography

Requires digital mammography to be covered under the “Every Woman Counts” breast and cervical cancer early detection screening program when analog mammography is not available.

AB 1317 Block

Chapter 523

Oocyte donation; advertisement

Requires a warning in advertisements for oocyte (egg) donation associated with fertility treatment that there may be health risks associated with human egg donation and advising consultation with the potential donor’s own physician.

*** SB 148** Oropeza

Chapter 169

Mammogram machines; notice of violations

Requires facilities that operate mammogram machines to post notices of serious violations of federal mammography standards issued by state inspectors in a conspicuous place visible to patients and staff.

Violence

*** AB 17** Swanson

Chapter 211

Human trafficking; sexual exploitation of minors

Enhances financial penalties for those convicted of human trafficking of minors for sexual purposes and allows forfeiture of assets connected to those crimes.

AB 73 Hayashi

Chapter 215

Domestic violence programs; marriage license and vital records fees

Allows Alameda County and the City of Berkeley to continue to fund domestic violence prevention, intervention, and prosecution efforts with revenues from increased fees for marriage licenses and certified copies of vital records.

AB 258 Ma

Chapter 92

Mutual protective orders; arrests

Replaces the term "primary aggressor" with "dominant aggressor" in the Penal Code section addressing arrests in situations involving mutual protective orders.

AB 307 Cook

Chapter 430

Sex offenders; working with minors

Clarifies that the prohibition against a registered sex offender whose victim was a minor under 16 years of age from working in a position where he/she will be working directly with minor children includes work providing goods or services to minors, such as operating a retail ice cream truck.

AB 595 Adams

Chapter 246

Foster homes; criminal background checks

Requires foster home applicants to obtain both state and federal criminal record clearance background checks and prohibits a criminal record exemption for a home where a person has a felony conviction for specified crimes, including child abuse, spousal abuse, battery, and drug- or alcohol-related offenses.

*** AB 688** Eng

Chapter 465

Domestic violence; release by arresting officer

Clarifies that an arresting officer may not release a person on his or her own recognizance prior to appearing before a judge or commissioner when the arrest is for specified crimes, including battery on a spouse or violation of a domestic violence restraining order where the arrestee has engaged in violence against the protected person or has gone to the residence or workplace of the protected party.

AB 1003 Perez
Domestic violence grants; LGBT community

Chapter 498

Eliminates the current four grant annual limitation for awarding of grants from the Equality in Prevention and Services for Domestic Abuse Program for the development and support of domestic violence programs and services for the LGBT community.

AB 1129 Hagman
Concealed firearms; retired peace officer

Chapter 138

Allows a law enforcement agency to immediately and temporarily revoke a retired peace officer's concealed weapon permit when the officer's conduct compromises public safety.

ACR 59 Nielsen
Crime Victims' Rights Week

Chapter 33

Recognizes the week of April 26, 2009, through May 2, 2009, as Crime Victims Rights Week.

SB 18 Oropeza
Elder or dependent adult abuse; fines

Chapter 25

Increases the maximum fines for specified elder and dependent adult abuse offenses upon a second or subsequent conviction.

SB 188 Runner
Restraining orders: private postsecondary educational institutions

Chapter 566

Permits a private postsecondary educational institution to seek a restraining order on behalf of students.

*** SB 197** Pavley
Domestic violence proceedings; conditional examination of witnesses

Chapter 567

Creates a procedure to preserve testimony of domestic violence victims and witnesses by permitting conditional examination of a witness prior to trial in a misdemeanor or felony domestic violence case where the witness' life is in jeopardy or the witness is being dissuaded, by intimidation or physical threat, from cooperating with the prosecutor or testifying at trial.

*** SB 273** Corbett
Domestic violence services; gender neutrality

Chapter 177

Makes statutes governing state-funded domestic violence services gender-neutral.

SB 314 Calderon
Crime victims; restitution

Chapter 578

Requires the State Controller to deduct unpaid restitution fines from the debtor's income tax refund, and authorizes the Victims Compensation and Government Claims Board to authorize reimbursement of more than the currently allowable \$2,000 for victim relocation expenses.

SB 325 Alquist
Sex offenders; risk assessment

Chapter 582

Allows sex offender cases to be referred to experts for possible override of the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) assessment if the administering agency believes the SARATSO score does not accurately reflect the person's true risk level.

SB 432 Runner
Crime victims; restitution

Chapter 49

Authorizes a county probation department to provide the California Department of Corrections and Rehabilitation a copy of a restitution order and victim contact information for the purpose of distributing the restitution collected on behalf of the victim.

SB 635 Wiggins
Domestic violence programs; marriage license and vital records fees

Chapter 356

Authorizes the Sonoma County Board of Supervisors to increase fees for marriage licenses and certified copies of vital records to fund domestic violence prevention, intervention, and prosecution efforts, and extends the sunset date for a similar program in Solano County.

SB 668 Hollingsworth
Sex offender registration; failure to provide information

Chapter 60

Specifies that the maximum one-year misdemeanor punishment for failure to provide complete and accurate information required on Department of Justice sex offender registration and re-registration forms shall not be construed to limit or prevent prosecution under any other applicable provision of law.

SB 669 Hollingsworth
Sexually violent predators; jury instruction

Chapter 61

Requires the court, in a trial to determine whether a committed sexually violent predator (SVP) is still an SVP, to instruct the jury that failure to participate in or complete a prescribed sex offender treatment program may be considered evidence that a person's condition has not changed.

SBX3 13 Alquist
Domestic violence shelters; funding

Chapter 29

Restores \$16.3 million in state funding for domestic violence shelters that was previously eliminated by the Governor's line-item veto in the state budget bill.

Women and Girls in the Criminal Justice System

*** SB 118** Liu
Child welfare services; incarcerated parents

Chapter 338

Directs counties to include and update information in a child's case plan about incarcerated parents who receive services required by the court to reunify those parents with their children.

*** SCR 20** Liu
Children of Incarcerated Parents Bill of Rights

Resolution Chapter 88

Encourages state agencies and other entities that serve children with incarcerated parents to distribute the Children of Incarcerated Parents Bill of Rights to identified children of incarcerated parents, and encourages relevant entities to use the bill of rights as a framework for analysis and determination of procedures when making decisions about services for these children.

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